

# SENATE BILL REPORT

## SB 5323

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As of January 23, 2009

**Title:** An act relating to substitution of growth management hearings board members in the case of vacancy, disqualification, illness, or injury.

**Brief Description:** Authorizing the substitution of growth management hearings board members in the case of vacancy, disqualification, illness, or injury.

**Sponsors:** Senators Fairley, McDermott and Haugen; by request of Growth Management Hearings Board.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/22/09.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Sharon Swanson (786-7447)

**Background:** The Growth Management Hearings Boards (GMHBs) are charged with determining compliance with the Growth Management Act. There are three GMHBs for the three defined geographic areas of the state – Eastern Washington, Western Washington, and Central Puget Sound. Each GMHB is composed of three members, which must reside within the territorial jurisdiction of the respective GMHB. One GMHB member on each board must be an attorney and one a former local elected official. No more than two members of a GMHB may be affiliated with the same political party. In order to render a decision on a case, at least two members must agree.

There have been instances when only two members have been available to sit on a case due to illness, vacancy, or recusal. In instances where the two remaining members are unable to reach agreement on the outcome of a case, by default the local government jurisdiction prevails.

**Summary of Bill:** If a GMHB has a vacancy involving a member necessary to render a decision on a matter and the absence is due to injury, illness, vacancy, or disqualification, the remaining two members of that GMHB may appoint a member from one of the other GMHBs to substitute and participate in rendering a decision on that matter.

**Appropriation:** None.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This problem doesn't happen very often, but when it does it is a problem. It would be very helpful if a hearings board could just get another member from a different board to fill in on that one case.

**Persons Testifying:** PRO: Holly Gadbow, Growth Management Hearings Board.